IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 4094 OF 2007

Pune Mahila Mandal.... Petitioner

versus

Smt. Madhavi Madhukar Keskar & ors..... Respondent.

Shri A.A.Deshpande for the petitioner

CORAM; A.P. DESHPANDE, J.
DATED; 20TH JUNE, 2007

P.C.;

1. The petitioner claims that it is a public trust registered under the Bombay Public Trust Act. The petitioner is implementing a scheme of family planning scheme and the respondent was appointed as a clerk for performing clerical work. On retirement of the respondent on attaining age of superannuation the petitioner did not pay the gratuity as directed under the Payment of Gratuity Act. Hence respondent approached the Controlling Authority under the Payment of Gratuity Act and claimed the gratuity. The Controlling Authority passed an order directing the petitioner to pay the gratuity amount. Aggrieved thereby an appeal was carried before the Appellate Authority and the appellant authority concurring with the order passed by the controlling authority, has dismissed the appeal.

2. By the present writ petition, the trust is challenging the said orders. The learned counsel for the petitioner has submitted that the petitioner is a public trust which is implementing the welfare activity introduced by the Government and for that the Government is reimbursing the petitioner by payment of grant. Thus the contention is that the petitioner is not liable to pay the gratuity. The learned counsel for the petitioner has failed to point out that the petitioner on account of its activities stand excluded and the provisions of the Payment of Gratuity Act are not applicable.

3. Perused the order impugned in this petition. It does not call for any interference. Hence writ petition is summarily rejected.

...